

BURSOR & FISHER, P.A.

L. Timothy Fisher (State Bar No. 191626)
Joshua B. Glatt (State Bar No. 354064)
1990 North California Blvd., 9th Floor
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-mail: ltfisher@bursor.com
jglatt@bursor.com

GUTRIDE SAFIER LLP

Seth A. Safier (State Bar No. 197427)
Marie A. McCrary (State Bar No. 262670)
Anthony J. Patek (State Bar No. 228964)
100 Pine Street, Suite 1250
San Francisco, CA 94111
E-mail: seth@gutridesafier.com
marie@gutridesafier.com
anthony@gutridesafier.com

Co-Lead Interim Class Counsel

COOLEY LLP

MICHELLE C. DOOLIN (179445)
(mdoolin@cooley.com)
MEGAN L. DONOHUE (266147)
(mdonohue@cooley.com)
VIVIENNE A. PISMAROV (345611)
(vpismarov@cooley.com)
10265 Science Center Drive
San Diego, CA 92121-1117
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

MAXIMILIAN SLADEK DE LA CAL
(324961)
(msladekdelacal@cooley.com)
1333 2nd Street, Suite 400
Santa Monica, CA 90401-4100
Telephone: (310) 883-6400
Facsimile: (310) 883-6500

Attorneys for Defendant

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re VNGR BEVERAGE, LLC LITIGATION

Case No. 4:24-cv-03229-HSG

Hon. Haywood S. Gilliam, Jr.

**JOINT STIPULATION FOR LEAVE
TO FILE THIRD AMENDED
CONSOLIDATED COMPLAINT AND
EXTENSION OF DEADLINE TO
MOVE FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND [PROPOSED]
ORDER**

This Document Relates to:
Case No. 4:24-cv-03612-HSG
Case No. 4:24-cv-06666-HSG

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Kristin Cobbs, Carol Lesh, Sarah Coleman,
2 and Megan Wheeler (“Plaintiffs”) and Defendant VNGR Beverage, LLC d/b/a Poppi
3 (“Defendant” or “Poppi,” and together with “Plaintiffs,” the “Parties”), hereby jointly stipulate
4 and agree as follows:

5 WHEREAS, the above consolidated action, *In re VNGR Beverage, LLC Litigation*, Case
6 No. 4:24-cv-03229-HSG (ECF No. 1, the “Consolidated Action”) is presently pending before the
7 Court;

8 WHEREAS, on August 20, 2024, Plaintiffs filed a Second Amended Consolidated
9 Complaint (“SAC”) (ECF No. 35);

10 WHEREAS, on September 23, 2024, Poppi filed its Motion to Dismiss the SAC, which
11 was initially scheduled for a hearing before this Court on December 5, 2024 at 2:00 p.m. (ECF
12 No. 37);

13 WHEREAS, on October 21, 2024, the Court granted the Parties’ Joint Stipulation to
14 Continue the Motion to Dismiss Hearing to December 19, 2024. (ECF No. 42);

15 WHEREAS, on December 4, 2024, the Parties attended a private mediation with the
16 Honorable Judge Jay C. Gandhi (Ret.) and subsequently have continued to negotiate resolution
17 of the Consolidated Action;

18 WHEREAS, on December 6, 2024, the Court vacated the December 19, 2024 hearing
19 (ECF No. 47);

20 WHEREAS, on December 16, 2024, the Court granted the Parties’ joint stipulation to
21 stay the Consolidated Action for sixty (60) calendar days until February 14, 2025, to provide the
22 Parties with time to finalize and execute a formal class settlement agreement (ECF Nos. 48–49);

23 WHEREAS, on February 13, 2025, the Parties filed a joint stipulation informing the
24 Court that the Parties were finalizing the terms of a formal class settlement and requested a
25 continuance of the previously granted stay to March 10, 2025, which the Court granted (ECF
26 Nos. 50-51);

27 WHEREAS, the Parties executed the Settlement Agreement on March 5, 2025 and have
28 finalized the supporting exhibits.

1 WHEREAS, pursuant to the Settlement Agreement, the Parties have agreed that Plaintiffs
2 shall file a Third Amended Consolidated Complaint, in the form attached as Exhibit A to this
3 stipulation, adding a claim for breach of implied warranty; and

4 WHEREAS, pending the Court's approval of the Third Amended Complaint, the Parties
5 are drafting a Motion for Preliminary Approval of Class Action Settlement in accordance with
6 the final terms.

7
8 NOW WHEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE
9 PARTIES THAT, subject to the Court's approval, Plaintiffs' Third Amended Consolidated
10 Complaint shall become the operative pleading. Plaintiffs shall file a Motion for Approval of
11 Settlement seeking a preliminary order on March 14, 2025.

1 Dated: March 5, 2025

Respectfully submitted,

2 **BURSOR & FISHER, P.A.**

3 By: /s/ L. Timothy Fisher

4 L. Timothy Fisher

5 L. Timothy Fisher (State Bar No. 191626)

6 Joshua B. Glatt (State Bar No. 354064)

7 1990 North California Blvd., 9th Floor

Walnut Creek, CA 94596

8 Telephone: (925) 300-4455

9 Facsimile: (925) 407-2700

E-mail: ltfisher@bursor.com

jglatt@bursor.com

10 **GUTRIDE SAFIER LLP**

11 Seth A. Safier (State Bar No. 197427)

12 Marie A. McCrary (State Bar No. 262670)

13 Anthony J. Patek (State Bar No. 228964)

100 Pine Street, Suite 1250

14 San Francisco, CA 94111

E-mail: seth@gutridesafier.com

marie@gutridesafier.com

anthony@gutridesafier.com

16 *Co-lead Interim Class Counsel*

17 **GUCOVSKI ROZENSHTEYN, PLLC**

18 Adrian Gucovski (*Pro Hac Vice*)

19 Benjamin Rozenshteyn (*Pro Hac Vice* forthcoming)

140 Broadway, Suite 4667

20 New York, NY 10005

21 Telephone: (212) 884-4230

Facsimile: (212) 884-4230

E-mail: adrian@gr-firm.com

ben@gr-firm.com

23 *Attorneys for Plaintiff Cobbs*

24 **KAPLAN FOX & KILSHEIMER LLP**

25 Laurence D. King (SBN 206423)

Matthew B. George (SBN 239322)

26 Blair E. Reed (SBN 316791)

Clarissa R. Olivares (SBN 343455)

27 1999 Harrison Street, Suite 1560

Oakland, California 94612

28 Telephone: (415) 772-4700

Facsimile: (415) 772-4709

E-mail: lking@kaplanfox.com
mgeorge@kaplanfox.com
breed@kaplanfox.com
colivares@kaplanfox.com

Attorneys for Plaintiff Wheeler

Dated: March 5, 2025

COOLEY LLP

By: /s/ Michelle C. Doolin
Michelle C. Doolin

MICHELLE C. DOOLIN (179445)
(mdoolin@cooley.com)
MEGAN L. DONOHUE (266147)
(mdonohue@cooley.com)
VIVIENNE A. PISMAROV (345611)
(vpismarov@cooley.com)
10265 Science Center Drive
San Diego, CA 92121-1117
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

MAXIMILIAN SLADEK DE LA CAL (324961)
(msladekdelacal@cooley.com)
1333 2nd Street, Suite 400
Santa Monica, CA 90401-4100
Telephone: (310) 883-6400
Facsimile: (310) 883-6500

Attorneys for Defendant

L.R. 5-1 ATTESTATION

I, L. Timothy Fisher, attest that all signatories listed herein, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

By: /s/ L. Timothy Fisher
L. Timothy Fisher

[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED. The Court, having considered the Parties' Joint Stipulation and finding good cause for the same, hereby orders that the Parties request for leave to allow Plaintiffs to file a Third Amended Consolidated Complaint is **GRANTED** and the Third Amended Complaint attached as Exhibit A to the Joint Stipulation is hereby the operative pleading in this action. Plaintiffs shall file a Motion for Preliminary Approval of Class Action Settlement by March 14, 2025.

IT IS SO ORDERED.

Dated: _____

Hon. Haywood S. Gilliam, Jr.
United States District Judge